

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

October 21, 2005

Deputy Charles Nuckols, #[redacted]

Dear Deputy Nuckols:

On September 14, 2005, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2130601. You were also advised of your right to review the material on which the discipline was based.

You did not exercise your right to respond. The grievance period involved has now elapsed, with no change in discipline.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of ten (10) days effective October 22, 2005 through October 31, 2005.

An investigation under File Number IAB 2130601, conducted by Civil Management Unit, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders; and/or 3-01/040.76, Obstructing an Investigation, on or about September 26, 2004, while off duty, you entered an area of San Onofre State Beach that was closed to public access and then attempted to evade a State Park Ranger by hiding under a large bush. When ultimately detained by the ranger, you failed to identify yourself as a deputy sheriff and/or gave the ranger your brother's name, and/or deliberately misspelled your last name to further prevent the ranger from finding a computer match. After being confronted with the information being false, you admitted you were a deputy sheriff and provided the ranger with your correct name. You were subsequently cited by the ranger for Obstructing an Officer, 148 P.C., Giving False Information, 148.9 P.C. and Entering

a Closed Area, 4326 (a) CCR. On March 22, 2005, you plead guilty to one count of 415(2) P.C. By your actions, you have brought discredit upon yourself and the Los Angeles County Sheriff's Department.

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05, and 18.01 of the Civil Service Rules.

Within fifteen (15) business days from the date of service of this notice of suspension, you may request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Gerald K. Cooper, Captain
Commander, Civil Management Unit

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

GKC:KM:tm

c: Advocacy Unit
Richard J. Martinez, Chief, Court Services Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
CSD - Civil Management Unit/ unit Personnel File

761551N25A - SH - AD - 32A (2/72)

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
"A Tradition of Service"
OFFICE CORRESPONDENCE

DATE: August 8, 2005
FILE NO. IAB # 2130601

FROM: GERALD K. COOPER, LIEUTENANT
CIVIL MANAGEMENT UNIT

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: CHARLES NUCKOLS, #[redacted]
DEPUTY SHERIFF
LEVY CREW, CIVIL MANAGEMENT UNIT

Upon consideration of the facts developed in this investigation, I have determined that Subject Nuckols receive a ten (10) day suspension. This decision may be reconsidered based on the employee's response

Gerald K. Cooper
Gerald K. Cooper, Lieutenant

8-8-2005
Date

CASE REVIEWED BY

Richard J. Barrantes, Commander
8-12-05
Date

Richard J. Martinez, Chief
8/25/05
Date

The evidence in this investigation supports the following charges: d/or 3-01/040.76, Obstructing an Investigation

1. That in violation of Manual Section 3-01/030.10, Obedience to Laws, on or about September 26, 2004, the Subject entered an area of state beach that was closed to public access and when detained, identified himself as another person.

2. That in violation of Manual Section 3-01/030.~~10~~ 05, General Behavior, the Subject caused embarrassment to the Department when he hid from a State Park Ranger while in an area closed to the public and when detained, identified himself as another person.

SUMMARY:

On September 26, 2004 at about 1130 hours, Subject Nuckols was observed by California State Park Ranger [redacted] in the bluff area above the San Onofre State Beach. This area is closed to public access and posted as such at all access trails. Subject Nuckols evaded Ranger [redacted] by hiding under a large bush. Ranger [redacted] found Subject Nuckols and ordered him to come out. Subject Nuckols told Ranger [redacted] that he had been jogging and his identification was in the car several miles away. Subject Nuckols did not have identification on his person. He identified himself using the name, date of birth, and home address belonging to his [redacted], [redacted] He misspelled the last name as "Knuckles" to prevent the ranger from finding a computer match for the name and other identifying information. Ranger [redacted] was unable to confirm the subject's identity via his radio center. The ranger confronted Subject Nuckols about the given information being false and at the subjects insistence he tried the same name again. The name "Knuckles" did not match the other given information so Subject Nuckols was handcuffed and escorted to the ranger's patrol vehicle. Ranger [redacted] advised Subject Nuckols that he was being arrested and taken to the San Diego Sheriff's office in Vista for positive identification. At this time, Subject Nuckols told the Ranger [redacted] his true name and that he is a deputy sheriff. He directed Ranger [redacted] to his car that was parked at the location and gave the ranger permission to retrieve the hidden key and obtain his identification from inside. Ranger [redacted] cited Subject Nuckols to San Diego Court on charges of Obstructing an Officer-148 PC, Giving False Information- 148.9 PC, and Entering a Closed Area- 4326 (a) CCR. Charges of 148 PC and 148.9 PC were filed in San Diego Superior

Court, case #CN189958. The criminal case was adjudicated on March 22, 2005, when Subject Nuckols plead guilty to one count of 415(2) PC and paid a $350 fine.

DISCIPLINE ASSESSMENT:

Review of Applicable "Guidelines for Discipline" Sections

The Department's Guidelines for Discipline lists the following analogous misconduct with associated disciplinary penalties:

Conduct on or off duty which causes embarrassment to the Department	W/R to discharge
Failure to cooperate with the investigation of another law enforcement agency.	10 - 15 Days

Assessment of Mitigating and Aggravating Factors

Severity of Infraction

The actions of Subject Nuckols compromised his personal integrity and damaged the Department's professional image. He admits to committing a minor infraction and in an attempt to avoid the consequences for his actions, the Subject lied to the arresting officer that elevated what would likely have been a verbal warning to a criminal case that required the time and resources of many government agencies.

Intent, Truthfulness and Acceptance of Responsibility

Subject Nuckols' actions and statements demonstrate that his intent was to avoid being held responsible for being in a restricted area at the beach. He thought it was a minor infraction and did not believe the matter would be pursued. The Subject admitted the wrongfulness of his actions and accepted responsibility for his conduct.

Degree of Culpability

The misconduct was committed solely by Subject Nuckols.

Past Performance and Disciplinary History

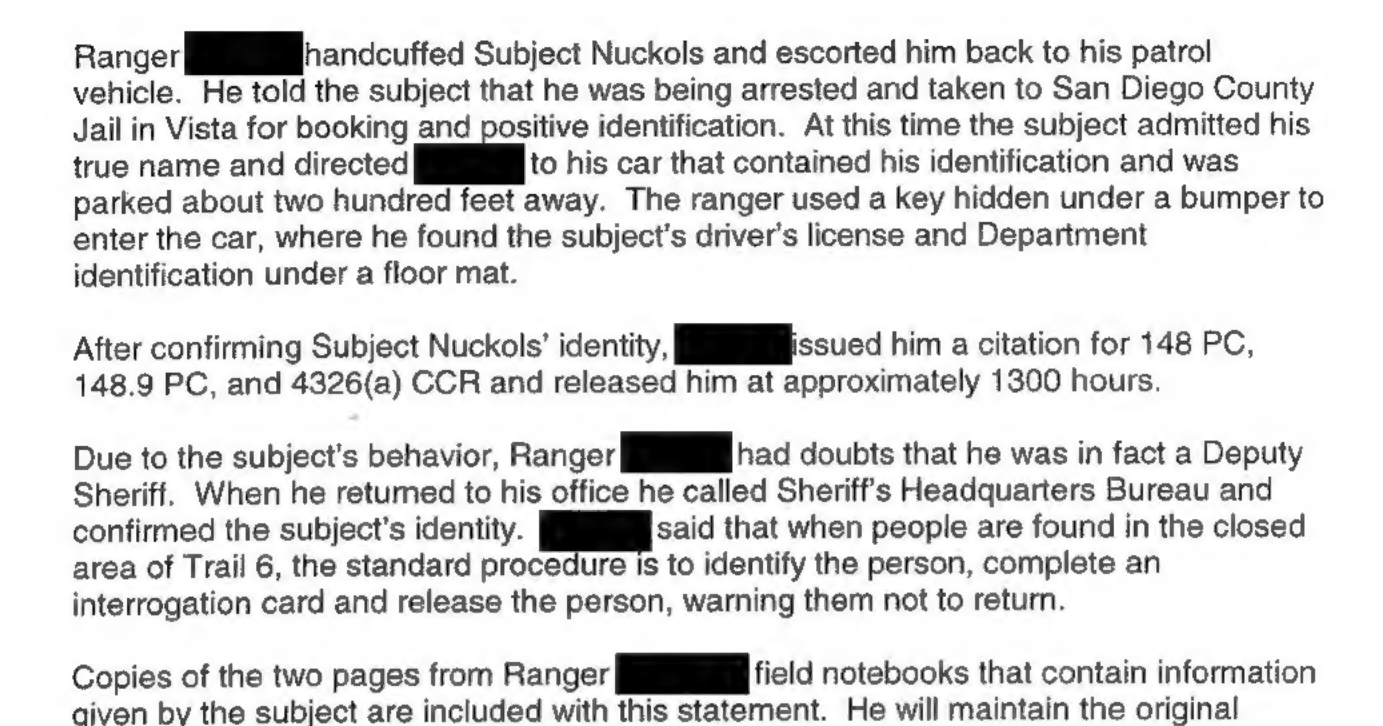
SUMMARY OF WITNESS URBACH'S INTERVIEW

California State Parks Ranger [redacted], badge number [redacted] was interviewed concerning case number IAB IV 2130601, by Sergeant David Logan, employee number [redacted] on May 25, 2005, at 2120 hours. The interview was conducted at the State Park Orange Coast District Office in San Clemente, California. The interview was tape recorded and no other persons were present.

Prior to the interview, Ranger [redacted] while on-duty and assigned to the Orange Coast District, escorted Sergeant Logan to the area of the San Onofre State Beach where the incident involving Subject Nuckols took place.

Ranger [redacted] stated that on September 26, 2004, at 1100 hours he was on foot patrol on the bluff above San Onofre State Beach. This area, known as Trail 6, is closed to public use due to reports of lewd behavior, destruction of natural vegetation, and littering. All of the trails into this area are clearly posted with signs that warn against entry. At approximately 1130 hours, he saw a person later identified as Subject Nuckols standing approximately 150 yards away in this closed area. Subject Nuckols was standing in tall brush on the other side of a large ravine from where [redacted] was standing. Subject Nuckols looked in his direction and immediately ducked down out of sight. [redacted] hiked around the ravine and waited near the location where the subject was last seen. After several minutes the subject stood, and when he looked in the ranger's direction he again dropped down out of sight. [redacted] hiked to the subject's location and called out, identifying himself as a park ranger and ordering the subject to come out of hiding. The subject did not respond. At 1154 hours, believing that the subject was still hiding, [redacted] requested back-up and continued searching the area. [redacted] found the subject lying under a large bush and ordered him to come out. The subject complied with his command and came out from his hiding place without incident.

Ranger [redacted] said that Subject Nuckols denied knowing he was in a closed area. He claimed he had walked and jogged south along the beach for approximately four miles and then hiked up one of the trails from the beach to the bluff. The subject did not have identification with him. The subject told [redacted] that his name was [redacted], with a date of birth [redacted] and an address in [redacted]. The subject spelled the last name and [redacted] wrote it in his field notebook. [redacted] attempted to confirm the subjects identity via radio without success. He asked the subject again for his correct name and the subject insisted that he was [redacted]. [redacted] confirmed the spelling with his dispatch center and again he was told that there was no match for the name given.



Ranger [redacted] handcuffed Subject Nuckols and escorted him back to his patrol vehicle. He told the subject that he was being arrested and taken to San Diego County Jail in Vista for booking and positive identification. At this time the subject admitted his true name and directed [redacted] to his car that contained his identification and was parked about two hundred feet away. The ranger used a key hidden under a bumper to enter the car, where he found the subject's driver's license and Department identification under a floor mat.

After confirming Subject Nuckols' identity, [redacted] issued him a citation for 148 PC, 148.9 PC, and 4326(a) CCR and released him at approximately 1300 hours.

Due to the subject's behavior, Ranger [redacted] had doubts that he was in fact a Deputy Sheriff. When he returned to his office he called Sheriff's Headquarters Bureau and confirmed the subject's identity. [redacted] said that when people are found in the closed area of Trail 6, the standard procedure is to identify the person, complete an interrogation card and release the person, warning them not to return.

Copies of the two pages from Ranger [redacted] field notebooks that contain information given by the subject are included with this statement. He will maintain the original pages in tact in the spiral bound notebook.

SUMMARY OF SUBJECT NUCKOLS INTERVIEW

Subject Charles Nuckols, employee number [redacted], was interviewed concerning case number IAB IV2130601, by Sergeant David Logan, employee number [redacted], on July 11, 2005, at 1505 hours at the East Los Angeles Court. The interview was tape recorded and no other persons were present. During the interview, Subject Nuckols acknowledged reviewing and signing the Administrative Rights form.

Subject Nuckols stated that on September 26, 2004, he was in a restricted bluff area above San Onofre State Beach. He acknowledged that the area was posted with signs prohibiting entrance and that he was within that closed area. He saw a park ranger, and knowing that he was in a prohibited area, he ducked beneath some bushes believing that he had not been seen by the ranger. He thought the ranger would not see him as he walked past. While he was hiding in the bushes, the ranger walked up behind him and ordered him out of the bushes.

Subject Nuckols said the ranger asked for his name and he gave him a fictitious name. The ranger checked the name that was given using his radio and when he was unable to confirm the subject's identity he handcuffed the subject and took him to his police car. Subject Nuckols said the ranger asked him a couple more times what his name was. Eventually he gave the ranger his true name and permission to search his car to retrieve his identification.

Sergeant Logan asked Subject Nuckols how he identified himself to the ranger. He said he used his brother's name, date of birth, and address. Knowing that the ranger would confirm his name via the radio, he admitted that he spelled the last name as "Knuckles" so the ranger would not find a match with the date of birth. Asked if he would have accomplished the same thing by misspelling his own name and using his own date of birth he replied, "yeah." The subject said that if the ranger had been able to match the name that he gave to his [redacted] he would have confessed and given his true name before getting his [redacted] in trouble. Subject Nuckols was asked if he knew that it was a crime to use the name of another person, making that person liable to prosecution (529.3 PC). He said it was only a crime if he actually had signed the citation. He admitted knowing that by giving the false name, he was in violation of 148.9 PC.

Sergeant Logan asked the subject how many times the ranger tried to confirm his identity on the radio. Subject Nuckols said the ranger only tried to confirm his identity once, and not twice as stated by Ranger [redacted]. Sergeant Logan showed the subject a copy of the [redacted] radio transmission log relating to this incident. The log showed that the name Knuckles was checked at 1201 hours with negative results being returned at 1204 hours. The same name was tried again at 1205 hours with negative results. The Subject's correct name of Nuckols was not confirmed until 1229 hours. Subject Nuckols said the log shows that he gave his right name after twenty minutes.

Sergeant Logan asked the subject if he believed that he obstructed the ranger by giving a false name twice and causing excessive time to complete the investigation. The subject said yes, but questioned if the twenty minutes it took to give his true name was really obstructing, adding, "it wasn't an hour, it was twenty minutes, if your speaking to a suspect for twenty minutes, are you going to write every suspect for 148?".

Subject Nuckols admitted that he knew that he was in an area closed to the public when he was found by Ranger [redacted]. He didn't think it was a serious violation and that if he hid, the ranger would leave. After he was caught, he thought the ranger would let him go with a warning. Ranger [redacted] persistence caused the subject to admit that he lied to prevent being taken to jail.

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
PERSONNEL INVESTIGATION

DATE	No. OF SUBJECTS	UNIT(S) INVOLVED	I.A.B. FILE No.
7/25/05	1	CIVIL MANAGEMENT UNIT / COURT SERVICES DIVISION	2130601

MANUAL SECTIONS ALLEGEDLY VIOLATED (BY TITLE AND No.): OBEDIENCE TO LAWS : 3-01/030.10 OBSTRUCTING AN INVESTIGATION: 3-01/040.76

DATE, TIME, DAY OF OCCURRENCE: 9/26/04, 1130 Hours, Sunday
RELATED URN FILE No. IF APPLICABLE:

LOCATION OF OCCURRENCE: SAN ONOFRE STATE BEACH, TRAIL 6, SAN DIEGO COUNTY

SOURCE OF COMPLAINT: ☐ COMMUNITY ☐ SUPERVISION W/C REPORT No. ____ ☒ OTHER SOURCES (SPECIFY) STATE PARK POLICE

SUBJECT	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.
No. 1 OF 1	NUCKOLS	CHARLES	W	DEPUTY GENERALIST	[redacted]

UNIT OF ASSIGNMENT: CIVIL MANAGEMENT UNIT / NORWALK
DATE ASSIGNED: 01/17/99
DIVISION OR REGION: COURT SERVICES

STATUS OF SUBJECT: ☒ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ____ ☐ OTHER ____

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE
MALE	WHITE	BRO	BRO	5' 8"	175	[redacted]	[redacted]

DATE OF HIRE: 8/8/84
DATE APPOINTED TO RANK: 8/8/84
INTERVIEW TAPE RECORDED ON TAPE 2 OF 2 SIDE ☒ A ☐ B DATE 7/11/05 TIME 1506

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE

SUBJECT	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.
No. OF					

UNIT OF ASSIGNMENT:
DATE ASSIGNED:
DIVISION OR REGION:

STATUS OF SUBJECT: ☐ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ____ ☐ OTHER ____

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE

DATE OF HIRE:
DATE APPOINTED TO RANK:
INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE ____ TIME ____

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE

CODE: C - COMPLAINANT, W - WITNESS
ADDITIONAL COMPLAINANTS, WITNESSES, OR SUBJECTS ON SUPPLEMENTAL PAGES ☐ YES ☒ NO

CODE	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
C No. 1 OF 1	[redacted]	[redacted]		Male	WHITE	

RESIDENCE ADDRESS: CALIFORNIA STATE PARK POLICE
RES. PHONE (AREA CODE): ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: 3030 AVE DEL PRESIDENTE, SAN CLEMENTE, CA. 92672
CDL OR LASD EMPLOYEE NO.: BADGE #[redacted]
BUS. PHONE (AREA CODE): (949) 366-8518
INTERVIEW TAPE RECORDED ON TAPE 1 OF 2 SIDE ☒ A ☐ B DATE 5/24/05 TIME 2120

CODE	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
No. OF						

RESIDENCE ADDRESS:
RES. PHONE (AREA CODE): ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT:
CDL OR LASD EMPLOYEE NO.:
BUS. PHONE (AREA CODE): ( )
INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE ____ TIME ____

PRIMARY INVESTIGATOR	RANK	EMP. No.	APPROVED	DATE
DAVID LOGAN	SERGEANT	[redacted]		
ASSISTING INVESTIGATOR	RANK	EMP. No.	DATE SUBMITTED	

SH-AD-669-2/93

IF ADDITIONAL SUBJECTS, WITNESSES, COMPLAINANTS OR DISCIPLINE HISTORIES, LIST ON CONTINUATION PAGES.

SHERIFF'S DEPARTMENT PERSONNEL INVESTIGATION

I.A.B. FILE No. 2130601

NARRATIVE SHOULD BE AN OBJECTIVE AND UNBIASED STATEMENT OF THE FACTS; INVESTIGATOR OPINIONS SHALL NOT BE INCLUDED.

No. OF ITEMS	LIST EXHIBITS/EVIDENCE FIRST (IF STORED, STATE LOCATION - AUDIO TAPES SHOULD BE CLEARLY LABELED), THEN BEGIN NARRATIVE.
1	ADMINISTRATIVE RIGHTS FORMS. (ATTACH ONE FORM FOR EACH EMPLOYEE INTERVIEWED)
2	AUDIO TAPES. ALL INTERVIEWS SHALL BE TAPE RECORDED AND ALL TAPES MUST BE INCLUDED. (LIST EACH INTERVIEWEE BY NAME.)
3	CALIFORNIA STATE PARKS, PUBLIC SAFETY CRIME REPORT #249036905 DATED 9/26/04
4	CALIFORNIA STATE PARKS, RADIO TRAFFIC LOG DATED 9/26/04

On September 26, 2004 at about 1130 hours, Subject Nuckols was observed by California State Park Ranger Martin [redacted] in the bluff area above the San Onofre State Beach that is closed to public access. Subject Nuckols evaded Ranger [redacted] by hiding under a large bush. Ranger [redacted] found Subject Nuckols and ordered him to come out. Subject Nuckols told Ranger [redacted] that he had been jogging and his identification was in the car several miles away. Subject Nuckols gave the name, date of birth, and home address belonging to his [redacted]. He purposely misspelled the last name as "Knuckles" to prevent the ranger from finding a match to the name and other identifying information.. When Ranger [redacted] attempted to confirm the subject's identity via his radio center he was told there was no match for the information given. The ranger confronted Subject Nuckols about the given information being false and at the subjects insistence he tried the same name again . This is confirmed on the State Parks radio log by the transmissions made at 1201 hours and 1205 hours. The name "Knuckles" did not match the other given information so Subject Nuckols was handcuffed and escorted to the ranger's patrol vehicle. Ranger [redacted] advised Subject Nuckols that he was being arrested and taken to the San Diego Sheriff's office in Vista for positive identification. At this time, Subject Nuckols told the Ranger [redacted] his true name. He identified his car that was parked at the location and gave the ranger permission to retrieve the hidden key and obtain his identification from inside. Ranger [redacted] cited Subject Nuckols to San Diego Court on charges of Obstructing an Officer-148 PC, Giving False Information- 148.9 PC, and Entering a Closed Area- 4326 (a) CCR. Charges of 148 PC and 148.9 PC were filed in San Diego Superior Court, case #CN189958, and Subject Nuckols pleaded guilty to one count of 415(2) PC. He paid a $300 fine and was not placed on probation.

NARRATIVE CAN BE CONTINUED ON SH-AD-49 CONTINUATION FORM OR PLAIN BOND.